

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

BARRY JOE STULL,

Plaintiff,

v.

FLEMMING GREENE, MIKE REESE, and
MULTNOMAH COUNTY,

Defendants.

HERNANDEZ, District Judge.

Case No. 3:22-cv-01505-HZ

ORDER

Plaintiff filed this prisoner civil rights case on October 5, 2022. On November 15, 2022, the Court advised Plaintiff that if he wished to proceed with this case, he must file an amended complaint within 60 days that included all of his claims without incorporating other documents by reference. The Court specifically advised Plaintiff that his failure to comply with these requirements would result in the dismissal of this case without prejudice.

Plaintiff did not file his amended complaint within 60 days and, instead, proceeded to ask for three extensions of time to file. The Court granted all three extension requests. When it granted Plaintiff his third extension of time on March 20, 2023, it set the due date for the

amended complaint as April 20, 2023. When Plaintiff did not file an amended complaint, on May 8, 2023, the Court dismissed his case without prejudice.

Plaintiff later moved to reopen the case, and on September 15, 2023, the Court permitted him to do so. It allowed him 30 days in which to file his amended complaint complying with the November 15, 2022 Order (#6). Once again, Plaintiff has not done so. Instead, he moves to dismiss “Defendant Scott Norkoli” and asks the Court to appoint counsel to represent him. These Motions are not responsive to the Court’s prior orders. The Court will, however, give Plaintiff a final opportunity to file an amended complaint complying with the November 15, 2022 Order.

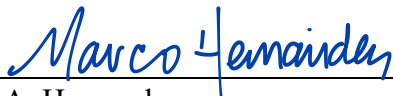
Plaintiff’s Motion to Dismiss (#22) is denied on the basis that Scott Norkoli is not a Defendant to this case. Plaintiff Motion for Appointment of Counsel (#23) is denied because Plaintiff has demonstrated sufficient ability to articulate his claims, and the facts and legal issues involved are not of substantial complexity.

CONCLUSION

Plaintiff’s Motion to Dismiss (#22) and Motion for Appointment of Counsel (#23) are denied. The Court, *sua sponte*, permits Plaintiff one final 30-day extension Order in which to file an amended complaint that complies with the Court’s November 15, 2022 Order (#6). He will not be allowed any further extensions of time. Plaintiff’s failure to comply with this Order within the time allotted will result in the dismissal of this case.

IT IS SO ORDERED.

October 23, 2023
DATE



Marco A. Hernandez
United States District Judge